

<i>SERFF Tracking Number:</i>	<i>WESA-125524094</i>	<i>State:</i>	<i>Arkansas</i>
<i>First Filing Company:</i>	<i>TNUS Insurance Company, ...</i>	<i>State Tracking Number:</i>	<i>#? \$?</i>
<i>Company Tracking Number:</i>	<i>08-AR-3-CU-10-9</i>		
<i>TOI:</i>	<i>17.0 Other Liability - Claims Made/Occurrence</i>	<i>Sub-TOI:</i>	<i>17.0020 Commercial Umbrella & Excess</i>
<i>Product Name:</i>	<i>Commercial Umbrella Liability</i>		
<i>Project Name/Number:</i>	<i>Commercial Umbrella Liability/</i>		

Filing at a Glance

Companies: TNUS Insurance Company, Tokio Marine & Nichido Fire Insurance Co., Ltd.

Product Name: Commercial Umbrella Liability SERFF Tr Num: WESA-125524094 State: Arkansas

TOI: 17.0 Other Liability - Claims SERFF Status: Closed State Tr Num: #? \$?

Made/Occurrence

Sub-TOI: 17.0020 Commercial Umbrella & Excess Co Tr Num: 08-AR-3-CU-10-9 State Status: Fees verified and received

Filing Type: Form Co Status: Reviewer(s): Betty Montesi, Edith Roberts, Brittany Yielding

Author: Westmont Associates

Date Submitted: 03/11/2008

Disposition Date: 03/13/2008

Disposition Status: Accepted For Informational Purposes

Effective Date Requested (New): On Approval

Effective Date (New):

Effective Date Requested (Renewal): On Approval

Effective Date (Renewal):

State Filing Description:

General Information

Project Name: Commercial Umbrella Liability

Project Number:

Status of Filing in Domicile: Pending

Domicile Status Comments: Pending in New York

Reference Organization: None

Reference Title: n/a

Reference Number: None

Advisory Org. Circular: n/a

Filing Status Changed: 03/13/2008

State Status Changed: 03/13/2008

Deemer Date:

Corresponding Filing Tracking Number: 08-AR-2-CU-11-9

Filing Description:

Submission of the Company's 2008 Umbrella Terrorism product.

Company and Contact

SERFF Tracking Number: WESA-125524094 State: Arkansas
 First Filing Company: TNUS Insurance Company, ... State Tracking Number: #? \$?
 Company Tracking Number: 08-AR-3-CU-10-9
 TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess
 Product Name: Commercial Umbrella Liability
 Project Name/Number: Commercial Umbrella Liability/

Filing Contact Information

(This filing was made by a third party - westmontassociatesinc)

Sherri Nierzwicki, Analyst sherri@westmontlaw.com
 25 Chestnut Street (856) 216-0220 [Phone]
 Haddonfield, NJ 08033 (856) 216-0303[FAX]

Filing Company Information

TNUS Insurance Company	CoCode: 32301	State of Domicile: New York
230 Park Avenue	Group Code: 3098	Company Type:
New York, NY 10169	Group Name:	State ID Number:
(212) 297-6600 ext. [Phone]	FEIN Number: 20-0940754	

Tokio Marine & Nichido Fire Insurance Co., Ltd.	CoCode: 12904	State of Domicile: New York
230 Park Avenue	Group Code: 3098	Company Type:
New York, NY 10169	Group Name:	State ID Number:
(212) 297-6600 ext. [Phone]	FEIN Number: 13-6108722	

Filing Fees

Fee Required?	Yes
Fee Amount:	\$50.00
Retaliatory?	No
Fee Explanation:	\$50.00 filing fee.
Per Company:	No

COMPANY	AMOUNT	DATE PROCESSED	TRANSACTION #
TNUS Insurance Company	\$0.00	03/11/2008	
Tokio Marine & Nichido Fire Insurance Co., Ltd.	\$0.00	03/11/2008	

CHECK NUMBER	CHECK AMOUNT	CHECK DATE
27342	\$50.00	03/10/2008

SERFF Tracking Number:	WESA-125524094	State:	Arkansas
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Product Name:	Commercial Umbrella Liability		
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Correspondence Summary

Dispositions

Status	Created By	Created On	Date Submitted
Accepted For Edith Roberts Informational Purposes		03/13/2008	03/13/2008

SERFF Tracking Number:	WESA-125524094	State:	Arkansas
First Filing Company:	TNUS Insurance Company, ...	State Tracking Number:	#? \$?
Company Tracking Number:	08-AR-3-CU-10-9		
TOI:	17.0 Other Liability - Claims Made/Occurrence	Sub-TOI:	17.0020 Commercial Umbrella & Excess
Product Name:	Commercial Umbrella Liability		
Project Name/Number:	Commercial Umbrella Liability/		

Disposition

Disposition Date: 03/13/2008

Effective Date (New):

Effective Date (Renewal):

Status: Accepted For Informational Purposes

Comment:

Rate data does NOT apply to filing.

Overall Rate Information for Multiple Company Filings

Overall Percentage Rate Indicated For This Filing	0.000%
Overall Percentage Rate Impact For This Filing	0.000%
Effect of Rate Filing-Written Premium Change For This Program	\$0
Effect of Rate Filing - Number of Policyholders Affected	0

SERFF Tracking Number: WESA-125524094 State: Arkansas

First Filing Company: TNUS Insurance Company, ... State Tracking Number: #? \$?

Company Tracking Number: 08-AR-3-CU-10-9

TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess

Product Name: Commercial Umbrella Liability

Project Name/Number: Commercial Umbrella Liability/

Item Type	Item Name	Item Status	Public Access
Supporting Document	Form Memos	Accepted for Informational Purposes	Yes
Supporting Document	Side by Side Comparisons	Accepted for Informational Purposes	Yes
Supporting Document	Expedited Transmittal Form	Accepted for Informational Purposes	Yes
Supporting Document	Letters of Authorization	Accepted for Informational Purposes	Yes
Supporting Document	Arkansas Exception Page	Accepted for Informational Purposes	Yes
Supporting Document	Cover Letter	Accepted for Informational Purposes	Yes
Form	Cap on Losses From Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Arkansas Exclusion of Punitive Damages Related to a Certified Act of Terrorism	Accepted for Informational Purposes	Yes
Form	Exclusion of Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Exclusion of Certified Nuclear, Biological, Chemical or Radiological Acts of Terrorism; Cap on Losses From Certified Acts of Terrorism	Accepted for Informational Purposes	Yes
Form	Disclosure Pursuant to Terrorism Risk Insurance Act	Accepted for Informational Purposes	Yes

SERFF Tracking Number: WESA-125524094 State: Arkansas

First Filing Company: TNUS Insurance Company, ... State Tracking Number: #? \$?

Company Tracking Number: 08-AR-3-CU-10-9

TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess

Product Name: Commercial Umbrella Liability

Project Name/Number: Commercial Umbrella Liability/

Form Schedule

Review Status	Form Name	Form #	Edition Date	Form Type Action	Action Specific Data	Readability	Attachment
Accepted for Information al Purposes	Cap on Losses From Certified Acts of Terrorism	U 21 30 01 08	01 08	Endorsement/Amendment/Conditions	Replaced Form #:0.00 U 3 21 30 07 06 Previous Filing #:	0.00	Cap on Losses From Certified Acts of Terrorism.pdf
Accepted for Information al Purposes	Arkansas Exclusion of Punitive Damages Related to a Certified Act of Terrorism	U 3 01 61 01 08	01 08	Endorsement/Amendment/Conditions		0.00	AR Exclusion.pdf
Accepted for Information al Purposes	Exclusion of Certified Acts of Terrorism	U 3 21 33 01 08	01 08	Endorsement/Amendment/Conditions	Replaced Form #:0.00 U 3 21 33 07 06 Previous Filing #:	0.00	Exclusion of Certified Acts of Terrorism.pdf
Accepted for Information al Purposes	Exclusion of Certified Nuclear, Biological, Chemical or Radiological Acts of Terrorism; Cap on Losses From Certified Acts of Terrorism	U 3 21 40 01 08	01 08	Endorsement/Amendment/Conditions		0.00	Exclusion of Nuclear, etc..pdf
Accepted for Information al Purposes	Disclosure Pursuant to Terrorism Risk Insurance Act	IL 09 85 01 08	01 08	Disclosure/ New Notice		0.00	Disclosure.pdf

This endorsement changes policy
at 12:01 a.m. standard time at the Insured's mailing address.

to which it is attached and is effective

Issued to:
Issued by:
Producer:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:
COMMERCIAL UMBRELLA LIABILITY POLICY

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

1. The act resulted in insured losses in excess of \$5 million; in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

This endorsement changes policy _____ to which it is attached and is effective _____
at 12:01 a.m. standard time at the Insured's mailing address.

Issued to:

Issued by:

Producer:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ARKANSAS EXCLUSION OF PUNITIVE DAMAGES RELATED TO A CERTIFIED ACT OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM PUNITIVE DAMAGES

Damages arising, directly or indirectly, out of a "certified act of terrorism" that are awarded as "punitive damages".

B. For the purposes of this endorsement, the following definitions are added:

1. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the Terrorism Risk Insurance Act. The criteria contained in the federal Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
 - b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
2. "Punitive damages" mean damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

This endorsement changes policy _____ to which it is attached and is effective _____ at 12:01 a.m. standard time at the Insured's mailing address.

Issued to:

Issued by:

Producer:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY INSURANCE POLICY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of "a certified act of terrorism".

However, if "a certified act of terrorism" is covered on the "underlying insurance", this exclusion does not apply. All other terms and conditions of this endorsement will continue to apply.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part, "policy" or "underlying insurance" to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part, "policy" or "underlying insurance."
2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act . The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
 - b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

This endorsement changes policy _____ to which it is attached and is effective _____ at 12:01 a.m. standard time at the Insured's mailing address.

Issued to:

Issued by:

Producer:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**EXCLUSION OF CERTIFIED NUCLEAR,
BIOLOGICAL, CHEMICAL OR RADIOLOGICAL ACTS
OF TERRORISM; CAP ON LOSSES FROM CERTIFIED
ACTS OF TERRORISM**

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of a "certified act of terrorism". However, this exclusion applies only when one or more of the following are attributed to such act:

1. The terrorism involves the use, release or escape of nuclear materials, or directly or indirectly results in nuclear reaction or radiation or radioactive contamination; or
2. The terrorism is carried out by means of the dispersal or application of pathogenic or poisonous biological or chemical materials; or
3. Pathogenic or poisonous biological or chemical materials are released, and it appears that one purpose of the terrorism was to release such materials.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part or underlying insurance to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part or underlying insurance.
2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:

- a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and

- b.** The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- C.** In the event of any incident of a "certified act of terrorism" that is not subject to this exclusion, coverage does not apply to any loss or damage that is otherwise excluded under this "policy".
- D.** If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

DISCLOSURE PURSUANT TO TERRORISM RISK INSURANCE ACT

SCHEDULE

Terrorism Premium (Certified Acts) \$

This premium is the total Certified Acts premium attributable to the following Coverage Part(s), Coverage Form(s) and/or Policy(s):

Additional information, if any, concerning the terrorism premium:

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Disclosure Of Premium

In accordance with the federal Terrorism Risk Insurance Act, we are required to provide you with a notice disclosing the portion of your premium, if any, attributable to coverage for terrorist acts certified under the Terrorism Risk Insurance Act. The portion of your premium attributable to such coverage is shown in the Schedule of this endorsement or in the policy Declarations.

B. Disclosure Of Federal Participation In Payment Of Terrorism Losses

The United States Government, Department of the Treasury, will pay a share of terrorism losses insured under the federal program. The federal share equals 85% of that portion of the amount of such insured losses that exceeds the applicable insurer retention. However, if aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31), the Treasury shall not make any payment for any portion of the amount of such losses that exceeds \$100 billion.

C. Cap On Insurer Participation In Payment Of Terrorism Losses

If aggregate insured losses attributable to terrorist acts certified under the Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

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<i>First Filing Company:</i>	<i>TNUS Insurance Company, ...</i>	<i>State Tracking Number:</i>	<i>#? \$?</i>
<i>Company Tracking Number:</i>	<i>08-AR-3-CU-10-9</i>		
<i>TOI:</i>	<i>17.0 Other Liability - Claims Made/Occurrence</i>	<i>Sub-TOI:</i>	<i>17.0020 Commercial Umbrella & Excess</i>
<i>Product Name:</i>	<i>Commercial Umbrella Liability</i>		
<i>Project Name/Number:</i>	<i>Commercial Umbrella Liability/</i>		

Rate Information

Rate data does NOT apply to filing.

SERFF Tracking Number: WESA-125524094 State: Arkansas
First Filing Company: TNUS Insurance Company, ... State Tracking Number: #? \$?
Company Tracking Number: 08-AR-3-CU-10-9
TOI: 17.0 Other Liability - Claims Made/Occurrence Sub-TOI: 17.0020 Commercial Umbrella & Excess
Product Name: Commercial Umbrella Liability
Project Name/Number: Commercial Umbrella Liability/

Supporting Document Schedules

Satisfied -Name: Form Memos	Review Status: Accepted for Informational Purposes 03/13/2008
Comments: Attached are our explanatory memos.	
Attachments: Exp Memo - Forms - TMNF.pdf Exp Memo - Forms - TNUS.pdf	
Satisfied -Name: Side by Side Comparisons	Review Status: Accepted for Informational Purposes 03/13/2008
Comments: Attached are the side by side comparisons.	
Attachments: Cap on Losses From Certified Acts of Terrorism - Mocked.pdf Exclusion of Certified Acts of Terrorism - Mocked.pdf	
Satisfied -Name: Expedited Transmittal Form	Review Status: Accepted for Informational Purposes 03/13/2008
Comments: Attached is the expedited transmittal form.	
Attachment: TRIA Transmittal USE THIS.pdf	
Satisfied -Name: Letters of Authorization	Review Status: Accepted for Informational Purposes 03/13/2008
Comments: Attached are the letters of authorization for Tokio Marine, and TNUS Insurance Companies.	
Attachments: TMNF (1-1-08).pdf	

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<i>First Filing Company:</i>	<i>TNUS Insurance Company, ...</i>	<i>State Tracking Number:</i>	<i>#? \$?</i>
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TNUS.pdf			

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Product Name: Commercial Umbrella Liability
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Review Status:

Satisfied -Name: Arkansas Exception Page

Accepted for Informational 03/13/2008
Purposes

Comments:

Attached is the Arkansas Exception Page.

Attachment:

AR Exception Pages.pdf

Review Status:

Satisfied -Name: Cover Letter

Accepted for Informational 03/13/2008
Purposes

Comments:

Attached is the Cover Letter.

Attachment:

Final Letter - Forms - TMNF & TNUS.pdf

TOKIO MARINE AND NICHIDO FIRE INSURANCE COMPANY, LTD. (U.S. BRANCH)
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

**Forms Relating To Certified Acts Revised In Response To Terrorism Risk
Insurance Program Reauthorization Act Of 2007**

Applicable Line(s) of Business

This filing applies to the following:

- ◆ . Commercial Umbrella Liability

About This Filing

This filing introduces and revises certain terrorism endorsements in response to enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007.

New Forms

- ◆ **U 3 21 40 01 08**, Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism.
- ◆ **U 3 01 61 01 08**, [Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism](#).
- ◆ **IL 09 85 01 08**, Disclosure Pursuant To Terrorism Risk Insurance Act.

Revised Forms

We are revising the following endorsements:

- ◆ **U 3 21 30 07 06**, Cap On Losses From Certified Acts Of Terrorism [**new edition is U 3 21 30 01 08**].
- ◆ **U 3 21 33 07 06**, Exclusion Of Certified Acts Of Terrorism [**new edition is U 3 21 33 01 08**].

Withdrawn Form

- ◆ **U 3 21 36 07 06**, [Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism](#).

We have used a format of ~~striking-through~~ deletions and underlining additions. Concurrent with implementation, the new versions will supersede the prior versions.

TOKIO MARINE AND NICHIDO FIRE INSURANCE COMPANY, LTD. (U.S. BRANCH)
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – Forms

Related Filing(s)

- ◆ Commercial Umbrella **Rules** Filing.

Attachment(s)

- ◆ The Commercial Umbrella **Forms** Filing includes **edited** versions of the following endorsements:
 - **U 3 21 30 07 06**, Cap On Losses From Certified Acts Of Terrorism.
 - **U 3 21 33 07 06**, Exclusion Of Certified Acts Of Terrorism.

- ◆ The Commercial Umbrella **Forms** Filing includes **final** versions of the following endorsements:
 - **U 3 21 30 01 08**, Cap On Losses From Certified Acts Of Terrorism.
 - **U 3 21 33 01 08**, Exclusion Of Certified Acts Of Terrorism.
 - **U 3 21 40 01 08**, Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism.
 - **U 3 01 61 01 08**, **Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism.**
 - **IL 09 85 01 08**, Disclosure Pursuant To Terrorism Risk Insurance Act.

- ◆ The Commercial Umbrella **Forms** Filing includes a **current** version of the following endorsement:
 - **U 3 21 36 07 06**, Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism.

TOKIO MARINE AND NICHIDO FIRE INSURANCE COMPANY, LTD. (U.S. BRANCH)
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

Background

The Terrorism Risk Insurance Act (TRIA) of 2002 established a program (Terrorism Risk Insurance Program) within the Department of the Treasury, under which the federal government shares, with the insurance industry, the risk of loss from future terrorist attacks. Pursuant to Section 103(c) of the Act, all insurers providing insurance for applicable lines of business are required to participate in the program by making available coverage for insured losses resulting from an act of terrorism as defined by the Act (so-called certified acts coverage). The Terrorism Risk Insurance Program was extended for two years, until December 31, 2007, by the Terrorism Risk Insurance Extension Act of 2005, which incorporated various changes with respect to federal share of losses and affected lines of business. We responded in the past to each of these enactments, with filings of disclosure forms and various endorsements addressing the terrorism risk.

Current Environment

The federal Terrorism Risk Insurance Program has been revised and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007, which incorporates various changes to the Program. Certain changes, summarized as follows and recognized in the next section of this filing document, have an impact on our terrorism forms:

- ◆ Under Section 102(1)(A)(iv) of the Act, the definition of an act of terrorism (with respect to certification of such act) is revised by eliminating the criterion that the act be committed on behalf of a foreign person or foreign interest. As revised, the definition, in part, requires the act to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- ◆ Section 103(b)(3) of the Act requires disclosure of the existence of the \$100 billion cap on payments by insurers.
- ◆ Section 103(e)(2)(A) of the Act eliminates the provision asserting that Congress may take action to increase the \$100 billion cap in the event that insured losses exceed such cap; and Section 103(e)(2)(B) requires the Secretary of the Treasury to issue regulations for determining the pro rata share of insured losses to be paid under the Program (up to \$100 billion) when insured losses exceed \$100 billion.

TOKIO MARINE AND NICHIDO FIRE INSURANCE COMPANY, LTD. (U.S. BRANCH)
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

Explanation of Changes

New Forms

Exclusion of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap on Losses From Certified Acts Of Terrorism, Endorsement **U 3 21 40**, is introduced to provide the option to exclude coverage for losses arising out of a certified act of terrorism that involve nuclear, biological, or chemical or radiological materials but yet provide coverage for other acts of terrorism subject to underlying policy provisions.

Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 01 61 01 08**, is introduced to define punitive damages in compliance with Arkansas Code 23-79-307, which requires containing an exclusion for punitive damages must include a definition of punitive damages substantially similar to the following: "Punitive damages" are damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

Disclosure Pursuant To Terrorism Risk Insurance Act, Line Item Disclosure, Endorsement **IL 09 85**, is introduced to disclose:

- ◆ The portion of the premium, if any, attributable to coverages for terrorist acts certified under the Terrorism Risk Insurance Act.
- ◆ The federal participation in payment of terrorism losses (85% above the insurer's retention but subject to a cap of \$100 billion per Program year); and
- ◆ The cap on insurer participation In payment of terrorism losses once its retention and the federal participation have been met.

Revised Forms and New Form U 3 01 61 01 08

Cap On Losses From Certified Acts Of Terrorism, Endorsement **U 3 21 30**.

Exclusion Of Certified Acts Of Terrorism, Endorsement **U 3 21 33**.

Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 01 61**. [that replaces Endorsement **U 3 21 36**].

The three endorsements listed above are revised to:

- ◆ Remove reference to the original enactment of TRIA, the Act "of 2002".
- ◆ Revise the definition of certified act of terrorism to:
 - Delete the text "acting on behalf of any foreign person or foreign interest", in line with the revision to Section 102(1)(A)(iv) of the Act.

TOKIO MARINE AND NICHIDO FIRE INSURANCE COMPANY, LTD. (U.S. BRANCH)
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

- Reflect the fact that the definition includes appropriate details, but not all of the statutory wording, in setting forth the criteria for a certified act of terrorism.
- Elaborate on the reference to aggregate losses, which are aggregate insured losses attributable to all types of insurance subject to TRIA.
- ◆ Revise the language expressing the existence and effect of the cap. As revised, the language explicitly refers to the amount of the cap and addresses allocation of insured losses, pursuant to Sections 103(e)(2)(A) and 103(e)(2)(B) of the Act. This revision is not applicable to **U 3 21 33** or **U 3 01 61**.

Withdrawn Forms

Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 21 36** that is being replaced by **U 3 01 61**].

This endorsement listed above is withdrawn as it does not comply with:

- ◆ The federal Terrorism Risk Insurance Program, as revised and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007; and
- ◆ [Arkansas Code 23-79-307](#)

TNUS INSURANCE COMPANY
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

**Forms Relating To Certified Acts Revised In Response To Terrorism Risk
Insurance Program Reauthorization Act Of 2007**

Applicable Line(s) of Business

This filing applies to the following:

- ◆ Commercial Umbrella Liability

About This Filing

This filing introduces and revises certain terrorism endorsements in response to enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007.

New Forms

- ◆ **U 3 21 40 01 08**, Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism.
- ◆ **U 3 01 61 01 08**, [Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism](#).
- ◆ **IL 09 85 01 08**, Disclosure Pursuant To Terrorism Risk Insurance Act.

Revised Forms

We are revising the following endorsements:

- ◆ **U 3 21 30 07 06**, Cap On Losses From Certified Acts Of Terrorism [**new edition is U 3 21 30 01 08**].
- ◆ **U 3 21 33 07 06**, Exclusion Of Certified Acts Of Terrorism [**new edition is U 3 21 33 01 08**].

Withdrawn Form

- ◆ **U 3 21 36 07 06**, [Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism](#).

We have used a format of ~~striking-through~~ deletions and underlining additions. Concurrent with implementation, the new versions will supersede the prior versions.

TNUS INSURANCE COMPANY
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

Related Filing(s)

- ◆ Commercial Umbrella **Rules** Filing.

Attachment(s)

- ◆ The Commercial Umbrella **Forms** Filing includes **edited** versions of the following endorsements:
 - **U 3 21 30 07 06**, Cap On Losses From Certified Acts Of Terrorism.
 - **U 3 21 33 07 06**, Exclusion Of Certified Acts Of Terrorism.

- ◆ The Commercial Umbrella **Forms** Filing includes **final** versions of the following endorsements:
 - **U 3 21 30 01 08**, Cap On Losses From Certified Acts Of Terrorism.
 - **U 3 21 33 01 08**, Exclusion Of Certified Acts Of Terrorism.
 - **U 3 21 40 01 08**, Exclusion Of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap On Losses From Certified Acts Of Terrorism.
 - **U 3 01 61 01 08**, **Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism.**
 - **IL 09 85 01 08**, Disclosure Pursuant To Terrorism Risk Insurance Act.

- ◆ The Commercial Umbrella **Forms** Filing includes a **current** version of the following endorsement:
 - **U 3 21 36 07 06**, Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism.

TNUS INSURANCE COMPANY
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

Background

The Terrorism Risk Insurance Act (TRIA) of 2002 established a program (Terrorism Risk Insurance Program) within the Department of the Treasury, under which the federal government shares, with the insurance industry, the risk of loss from future terrorist attacks. Pursuant to Section 103(c) of the Act, all insurers providing insurance for applicable lines of business are required to participate in the program by making available coverage for insured losses resulting from an act of terrorism as defined by the Act (so-called certified acts coverage). The Terrorism Risk Insurance Program was extended for two years, until December 31, 2007, by the Terrorism Risk Insurance Extension Act of 2005, which incorporated various changes with respect to federal share of losses and affected lines of business. We responded in the past to each of these enactments, with filings of disclosure forms and various endorsements addressing the terrorism risk.

Current Environment

The federal Terrorism Risk Insurance Program has been revised and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007, which incorporates various changes to the Program. Certain changes, summarized as follows and recognized in the next section of this filing document, have an impact on our terrorism forms:

- ◆ Under Section 102(1)(A)(iv) of the Act, the definition of an act of terrorism (with respect to certification of such act) is revised by eliminating the criterion that the act be committed on behalf of a foreign person or foreign interest. As revised, the definition, in part, requires the act to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.
- ◆ Section 103(b)(3) of the Act requires disclosure of the existence of the \$100 billion cap on payments by insurers.
- ◆ Section 103(e)(2)(A) of the Act eliminates the provision asserting that Congress may take action to increase the \$100 billion cap in the event that insured losses exceed such cap; and Section 103(e)(2)(B) requires the Secretary of the Treasury to issue regulations for determining the pro rata share of insured losses to be paid under the Program (up to \$100 billion) when insured losses exceed \$100 billion.

TNUS INSURANCE COMPANY
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

Explanation of Changes

New Forms

Exclusion of Certified Nuclear, Biological, Chemical Or Radiological Acts Of Terrorism; Cap on Losses From Certified Acts Of Terrorism, Endorsement **U 3 21 40**, is introduced to provide the option to exclude coverage for losses arising out of a certified act of terrorism that involve nuclear, biological, or chemical or radiological materials but yet provide coverage for other acts of terrorism subject to underlying policy provisions.

Arkansas Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 01 61 01 08**, is introduced to define punitive damages in compliance with Arkansas Code 23-79-307, which requires containing an exclusion for punitive damages must include a definition of punitive damages substantially similar to the following: "Punitive damages" are damages that may be imposed to punish a wrongdoer and to deter others from similar conduct.

Disclosure Pursuant To Terrorism Risk Insurance Act, Line Item Disclosure, Endorsement **IL 09 85**, is introduced to disclose:

- ◆ The portion of the premium, if any, attributable to coverages for terrorist acts certified under the Terrorism Risk Insurance Act.
- ◆ The federal participation in payment of terrorism losses (85% above the insurer's retention but subject to a cap of \$100 billion per Program year); and
- ◆ The cap on insurer participation In payment of terrorism losses once its retention and the federal participation have been met.

Revised Forms and New Form U 3 01 61 01 08

Cap On Losses From Certified Acts Of Terrorism, Endorsement **U 3 21 30**.

Exclusion Of Certified Acts Of Terrorism, Endorsement **U 3 21 33**.

Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 01 61**. [that replaces Endorsement **U 3 21 36**].

The three endorsements listed above are revised to:

- ◆ Remove reference to the original enactment of TRIA, the Act "of 2002".
- ◆ Revise the definition of certified act of terrorism to:
 - Delete the text "acting on behalf of any foreign person or foreign interest", in line with the revision to Section 102(1)(A)(iv) of the Act.

TNUS INSURANCE COMPANY
COMMERCIAL UMBRELLA LIABILITY

Arkansas - Explanatory Memorandum – **Forms**

- Reflect the fact that the definition includes appropriate details, but not all of the statutory wording, in setting forth the criteria for a certified act of terrorism.
- Elaborate on the reference to aggregate losses, which are aggregate insured losses attributable to all types of insurance subject to TRIA.
- ◆ Revise the language expressing the existence and effect of the cap. As revised, the language explicitly refers to the amount of the cap and addresses allocation of insured losses, pursuant to Sections 103(e)(2)(A) and 103(e)(2)(B) of the Act. This revision is not applicable to **U 3 21 33** or **U 3 01 61**.

Withdrawn Forms

Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 21 36** that is being replaced by **U 3 01 61**].

This endorsement listed above is withdrawn as it does not comply with:

- ◆ The federal Terrorism Risk Insurance Program, as revised and extended by the Terrorism Risk Insurance Program Reauthorization Act of 2007; and
- ◆ [Arkansas Code 23-79-307](#)

This endorsement changes policy _____ to which it is attached and is effective _____ at 12:01 a.m. standard time at the Insured's mailing address.

Issued to:

Issued by:

Producer:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

CAP ON LOSSES FROM CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY POLICY

If aggregate insured losses attributable to terrorist acts certified under the federal Terrorism Risk Insurance Act exceed \$100 billion in a Program Year (January 1 through December 31) and we have met our insurer deductible under the Terrorism Risk Insurance Act, we shall not be liable for the payment of any portion of the amount of such losses that exceeds \$100 billion, and in such case insured losses up to that amount are subject to pro rata allocation in accordance with procedures established by the Secretary of the Treasury.

~~With respect to any one or more "certified acts of terrorism", we will not pay any amounts for which we are not responsible under the terms of the federal Terrorism Risk Insurance Act (including subsequent acts of Congress pursuant to the Act) due to the application of any clause which results in a cap on our liability for payments for terrorism losses.~~

"Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act. The criteria contained in the federal Terrorism Risk Insurance Act sets forth the following criteria for a "certified act of terrorism" include the following:

1. The act resulted in aggregate insured losses in excess of \$5 million; in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
2. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals acting on behalf of any foreign person or foreign interest, as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

This endorsement changes policy
at 12:01 a.m. standard time at the Insured's mailing address.

to which it is attached and is effective

Issued to:
Issued by:
Producer:

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

EXCLUSION OF CERTIFIED ACTS OF TERRORISM

This endorsement modifies insurance provided under the following:

COMMERCIAL UMBRELLA LIABILITY POLICY

A. The following exclusion is added:

This insurance does not apply to:

TERRORISM

"Any injury or damage" arising, directly or indirectly, out of "a certified act of terrorism".

However, if "a certified act of terrorism" is covered on the "underlying insurance", this exclusion does not apply. All other terms and conditions of this endorsement will continue to apply.

B. The following definitions are added:

1. For the purposes of this endorsement, "any injury or damage" means any injury or damage covered under any Coverage Part, "policy" or "underlying insurance" to which this endorsement is applicable, and includes but is not limited to "bodily injury", "property damage", "personal and advertising injury", "injury" or "environmental damage" as may be defined in any applicable Coverage Part, "policy" or "underlying insurance."
2. "Certified act of terrorism" means an act that is certified by the Secretary of the Treasury, in concurrence with the Secretary of State and the Attorney General of the United States, to be an act of terrorism pursuant to the federal Terrorism Risk Insurance Act . The criteria contained in the Terrorism Risk Insurance Act for a "certified act of terrorism" include the following:
 - a. The act resulted in insured losses in excess of \$5 million in the aggregate, attributable to all types of insurance subject to the Terrorism Risk Insurance Act; and
 - b. The act is a violent act or an act that is dangerous to human life, property or infrastructure and is committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

**EXPEDITED FILING TRANSMITTAL DOCUMENT
FOR TERRORISM RISK INSURANCE FORMS AND PRICING**

This page applies to the following state(s)

Indicate Type of Filing
<input type="checkbox"/> Filing Related to <i>Certified Losses</i>
<input type="checkbox"/> Filing Related to <i>Non-Certified Losses</i>
<input checked="" type="checkbox"/> Filing Applicable to Both Certified and Non-Certified Losses

Department Use only

Company Name(s)	Domicile	NAIC #	FEIN #
Tokio Marine & Nichido Fire Insurance Company	NY	12904	13-6108722
TNUS Insurance Company	NY	41238	20-0940754

Contact Info for Filer

Name and address of Filer(s)	Telephone #	FAX #	e-mail
Wesley Pohler 25 Chestnut St., Suite 105 Haddonfield, NJ 08033	856-216-0220	856-216-0303	wes@westmontlaw.com

Filing information

Line of Insurance (see attachment)	17.0020 - Commercial Umbrella and Excess
Company Program Title (Marketing title) (if applicable)	Commercial Umbrella
Filing Type ** see note below	Form
This application is used with:	Commercial Umbrella
Effective Date Requested	Upon Earliest Approval
Filing date	1/24/08
Company Tracking Number	<i>see attached</i>
Date filing approved in domiciliary state, if applicable	n/a - recently filed

	Component/Form Name /Description/Synopsis	Form # or Rate Page Include edition date	Replacement Or withdrawn?	If replacement, give form # or rate page(s) it replaces	Previous State Filing Number, if required by state
01	See attached Forms List		<input checked="" type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither		
02			<input type="checkbox"/> Replacement <input type="checkbox"/> Withdrawn <input type="checkbox"/> Neither		

To be complete, a filing must include the following:

- A completed Expedited Filing Transmittal Document for each insurer or advisory organization.
- One copy of each endorsement, disclosure form or other policy language, unless the insurer has given an advisory organization authorization to file them on its behalf.
- A copy of the rates, rating systems and supporting documentation.
- The appropriate filing fees, if required
- A postage-paid, self-addressed envelope **large enough to accommodate the return.**

The insurer(s) submitting this filing certifies that it:

- ☐ Is in compliance with the terms of the Terrorism Risk Insurance Act, as amended, and the laws of this state; and
- ☐ Is in compliance with the requirements of the bulletin containing the voluntary expedited filing procedures.

Signature

Print Name:

Title:



Tokio Marine Management, Inc.
U.S. Manager and/or Manager for
Tokio Marine & Nichido Fire
Insurance Co., Ltd. (U.S. Branch)
Trans Pacific Insurance Company
TM Casualty Insurance Company
TNUS Insurance Company

230 Park Avenue
New York, New York 10169
Phone: (212) 297-6600
Main Fax: (212) 297-6062
Claims Fax: (212) 297-6064

MILLEA GROUP

January 1, 2008

Re: Tokio Marine & Nichido Fire Insurance Co., Ltd. (U.S. Branch)
NAIC # 3098-12904
FEIN # 13-6108722
Letter of Authorization
Filing of Forms, Rates, and Rules

In accordance with applicable statutes and regulations of your state, Nancy Stepanski, Wesley Pohler, Jennifer Waldron, and Westmont Associates, Inc. are hereby authorized to file rates, rules, and forms on behalf of the Company.

Sincerely,

Pamela J. Olson
Vice President – Corporate Underwriting



Tokio Marine Management, Inc.
U.S. Manager and/or Manager for
Tokio Marine & Nichido Fire
Insurance Co., Ltd. (U.S. Branch)
Trans Pacific Insurance Company
TM Casualty Insurance Company
TNUS Insurance Company

230 Park Avenue
New York, New York 10169
Phone: (212) 297-6600
Main Fax: (212) 297-6062
Claims Fax: (212) 297-6064

MILLER GROUP

January 1, 2008

Re: TNUS Insurance Company
NAIC # 3098-32301
FEIN # 20-0940754
Letter of Authorization
Filing of Forms, Rates, and Rules

In accordance with applicable statutes and regulations of your state, Nancy Stepanski, Wesley Pohler, Jennifer Waldron, and Wesley Associates, Inc. are hereby authorized to file rates, rules, and forms on behalf of the Company.

Sincerely,

Pamela J. Olson
Vice President – Corporate Underwriting

	COMMERCIAL LINES MANUAL EXCEPTION PAGES	Arkansas
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Terrorism Coverage – Commercial Umbrella

A1. TERRORISM ENDORSEMENT OPTIONS

Paragarph **A.1.b.** is replaced with the following:

- b.** To also exclude punitive damages arising out of a certified act of terrorism, use [Arkansas](#) Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 01 61**.

Paragarph **A.2.c.** is replaced with the following:

- c.** To also exclude punitive damages arising out of a certified act of terrorism when Endorsement **U 3 21 40** is attached to a policy, use [Arkansas](#) Exclusion Of Punitive Damages Related To A Certified Act Of Terrorism, Endorsement **U 3 01 61**.



WESTMONT ASSOCIATES, INC.

February 5, 2008

Commissioner of Insurance
Department of Insurance
Property and Casualty Division
Form Review Section

Attn: Property and Casualty Division

RE **Tokio Marine and Nichido Fire Insurance Co., LTD (U.S. Branch) – NAIC #3098-12904/FEIN #13-6108722**
TNUS Insurance Company – NAIC #3098-32301/FEIN #20-0940754
Commercial Umbrella
2008 Revised Terrorism Forms Submission
Effective Date: Upon Earliest Approval/Acknowledgement

To Whom It May Concern:

The captioned companies are filing for your approval their 2008 Revised Terrorism Forms Submission for the currently filed Commercial Umbrella program. This filing is being made in response to the federal reauthorization of the Terrorism Risk Insurance Act (TRIA). Letters permitting Westmont Associates, Inc. to submit this filing on the companies' behalf is enclosed.

With regard to the attached forms, the Companies are revising their TRIA Endorsements, Conditional Terrorism Endorsements, and Post-TRIA Endorsements. The Companies are also introducing their new corresponding Disclosure form. Please refer to the attached forms explanatory memorandum for additional information.

Your early approval of this submission is respectfully requested. Enclosed please find a self-addressed stamped envelope for your convenience in returning the duplicate copy of this filing, evidencing your approval.

Respectfully Submitted,

Sherri Penn

Sherri Penn
Senior Analyst
sherri@westmontlaw.com

Enclosures

Cc: C. Laackman